

2009 DRAFTING REQUEST

Bill

Received: **12/03/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Ritch Williams**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Salvia divinorum; salvinorin A

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 12/30/2008	kfollett 01/20/2009					
/1			phenry 01/20/2009		cduerst 01/20/2009	mbarman 02/11/2009	

FE Sent For: **NONE**

<END>

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/?	rryan						
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1/15f
1/20
ph
ph/mh
<END>

FE Sent For:

Ryan, Robin

From: Williams, Ritch
Sent: Tuesday, December 02, 2008 2:22 PM
To: Ryan, Robin
Subject: Email from LRB Website

Robin -

Representative Cullen would like to have 2007 Assembly Bill 477 redrafted for introduction in the upcoming legislative session. There were two amendments offered to the bill last session which passed unanimously in committee. We would like to have those amendments incorporated into the redrafted proposal.

Please let me know if you have any questions or concerns about this request. Thank you in advance for your assistance in getting this legislation drafted.

Ritch Williams

Office of Rep. David Cullen
State Capitol, Room 216 North
P.O. Box 8952
Madison, WI 53708-8952

(608) 267-9836
ritch.williams@legis.wisconsin.gov

other

1004/1

CORRECTED COPY

2007 - 2008 LEGISLATURE

LRB-2031/1

RLR:wj:mnw

In 12/30/08

gf

2007 ASSEMBLY BILL 477

RMNR

August 7, 2007 - Introduced by Representatives WASSERMAN, CULLEN, TOWNSEND, SHERIDAN, A. OTT, HINES and BERCEAU, cosponsored by Senators LASSA, LEIBHAM and ROESSLER. Referred to Committee on Criminal Justice.

Regen

1 AN ACT *to create* 941.318 of the statutes; **relating to:** Salvia divinorum and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits manufacturing, distributing, or delivering the active chemical ingredient in the plant *Salvia divinorum* (salvinorin A) with the intent that it be consumed by a person. The bill makes an exception to this prohibition for salvinorin A that is recognized by the U.S. Food and Drug Administration as a homeopathic drug and that may be obtained from a retail store without a prescription. The penalty for violating the prohibition is a fine not to exceed \$10,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 941.318 of the statutes is created to read:

4 **941.318 *Salvia divinorum*.** (1) In this section:

5 (a) "Deliver," with respect to a plant ingredient, has the same meaning given
6 in s. 961.01 (6) with respect to a controlled substance or controlled substance analog.

7 (b) "Distribute," with respect to a plant ingredient, has the same meaning given
8 in s. 961.01 (9) with respect to a controlled substance or controlled substance analog.

Salvinorin A

INS
Analysis

ASSEMBLY BILL 477

salvinorin A

1 (c) "Manufacture," with respect to a plant ingredient, has the same meaning
2 given in s. 961.01 (13) with respect to a controlled substance or controlled substance
3 analog.

4 (2) Except as provided in sub. (3), whoever manufactures, distributes, or
5 delivers the active chemical ingredient in the plant *Salvia divinorum* with intent
6 that it be consumed by an individual may be fined not more than \$10,000.

7 (3) Subsection (2) does not apply to the manufacture, distribution, or delivery
8 of any dosage form of the active chemical ingredient in the plant *Salvia divinorum*
9 that may be obtained from a retail establishment without a prescription and that is
10 recognized by the U.S. Food and Drug Administration as a homeopathic drug.

11 (END)

INS
2-10

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1004/lins
RLR:.....

Ins Analysis:

that

This bill prohibits manufacturing, distributing, or delivering salvinorin A, a psychotropic ingredient in the plant *Salvia divinorum*, with the intent that it be consumed by a person. However, the prohibition does not apply to manufacturing a form of salvinorin A that is recognized by the U.S. Food and Drug Administration as a homeopathic drug and may be obtained from a retail store without a prescription, or to distributing or delivering such a form of salvinorin A to a person who is 18 years of age or older. The penalty for violating the prohibition is a fine not to exceed \$10,000.

**ASSEMBLY AMENDMENT 2,
TO 2007 ASSEMBLY BILL 477**

January 7, 2008 – Offered by Representative ALBERS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 7: delete lines 7 to 10 and substitute:

3 **(3)** (a) Subsection (2) does not apply to the manufacture of any dosage form
4 of salvinorin A that may be obtained from a retail establishment without a
5 prescription and that is recognized by the U.S. Food and Drug Administration as a
6 homeopathic drug. ✓

7 (b) Subsection (2) does not apply to the distribution or delivery to an individual
8 who is 18 years of age or older of any dosage form of salvinorin A that may be obtained
9 from a retail establishment without a prescription and that is recognized by the U.S.
10 Food and Drug Administration as a homeopathic drug. ✓

11 (END)

INS
2-10

Barman, Mike

From: Williams, Ritch
Sent: Wednesday, February 11, 2009 2:27 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1004/1 Topic: Salvia divinorum; salvinorin A

Please Jacket LRB 09-1004/1 for the ASSEMBLY.